

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

KITCHEN WINNERS NY INC.,

*Plaintiff,*

-against-

ROCK FINTEK LLC,

*Defendant.*

Civil Action No. 22-cv-05276-PAE

ROCK FINTEK LLC,

*Counterclaim and Third-  
Party Plaintiff,*

-against-

KITCHEN WINNERS NY INC.,

*Counterclaim Defendant,*

and

ADORAMA INC., HERSHEY WEINER,  
JOSEPH MENDLOWITZ, JNS CAPITAL  
HOLDINGS LLC and JOEL STERN,

*Third-Party Defendants.*

**KITCHEN WINNERS NY INC.  
AND ADORAMA INC.'S  
NOTICE OF MOTION IN  
LIMINE**

**PLEASE TAKE NOTICE** that, upon the accompanying Declaration of Alexander J. Sperber, dated November 14, 2024 and the Memorandum of Law in Support of Kitchen Winners NY Inc. and Adoram Inc.'s Motion *in Limine*, and all prior pleadings and proceedings held herein, Kitchen Winners NY Inc. and Adoram Inc. will move this Court, before the Honorable Paul A. Engelmayer, at the United States District Court, Southern District of New York, 40 Foley Square, Courtroom 1305, New York, NY 10007, on a date, time and place to be set by the Court, for an

Order, at the Pretrial Conference, or at the Court's convenience, *in limine* for an Order (i) precluding Rock Fintek LLC ("Rock Fintek") from introducing any evidence or testimony that is inadmissible hearsay not subject to any exception; (ii) precluding Thomas Kato from retracting his deposition testimony; (iii) precluding Rock Fintek from introducing evidence that contradicts its judicial admission as to the amount of LevMed gloves sold to it by Kitchen Winners; and (iv) precluding Rock Fintek from contesting the admissibility of the facts to which it previously stipulated in the parties' Joint Statement of Undisputed Facts.

Dated: Kew Gardens, New York  
November 14, 2024

**LIPSIUS-BENHAIM LAW, LLP**  
*Attorneys for Kitchen Winners NY Inc.  
Adorama Inc., and Joseph Mendlowitz*

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